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MY EXPERIENCE AS A LAWYER.*

THERE is a group of people who seem anxious to belittle me as a lawyer. Speaking of my employment in the De Golyer pavement matter, for instance, they say : “ Garfield was not employed as a lawyer ; because he is not a lawyer.” Now the reason of this is, probably, that all professional men are exceedingly jealous of any one who comes up to their profession through any but the regular channels. The regular channel to the law is to study in a lawyer’s office, sweep out the office for a year or two, be a clerk for a year or two more, then to pettifog in a justice’s court, and slowly and gradually, after being subordinate to everybody, and the older heads have died off, to feel his way as a practicing lawyer. If after fifteen or twenty years’ practice the man gets a case in the United States Supreme Court, and is admitted there, he considers it a red-letter day in his history.

I did not follow that route. I made my study of the law as complete as any one I know of, but I did it in my own room at Hiram, though, to comply with the statute, I entered my name formally with Mr. Riddle, at Cleveland. In 1861 I asked a committee of the Ohio Supreme Court to examine me, and I was then admitted to the bar of the State. When the war struck us I was about forming a law partnership, intending to go regularly into the practice ; but I had then never tried or argued a case, and never had any legal experience whatever. The war came, Congress came, and when, in 1866, I had been about two years in Congress, it so happened that, in company with Henry Winter Davis, whom I very much admired, I resisted some attempt to extend the power of military commissions—to give them power to try civilians who had interfered with the prosecution of the war—such fellows as Vallandigham.

I resisted the passage of such a law as being un-American, and contrary to the old English spirit of liberty. Then some of the Indiana Democrats, or, rather, Judge Black, as their attorney,

* Autobiographical notes furnished by the late President Garfield to Edmund Kirke, as materials for a life.

came to me, saying that some men had been tried in Indiana for conspiracy against the Government—conspiring to prevent enlistments and encourage desertions. They had been tried in 1864, while the war was pending, but by a court martial sitting in Indiana, where there was no war, and, being found guilty, had been sentenced to death. Mr. Lincoln had commuted their sentence to imprisonment for life, and they were then in the Indiana state prison. A writ of *habeas corpus* had been taken out to test the legality and constitutionality of their trial, and the judges in the Circuit Court had disagreed, and certified their disagreement up to the Supreme Court of the United States.

Judge Black said to me that he had seen a report of my remarks in Congress, and he asked if I would say the same thing in an argument before the Supreme Court of the United States. "Well," I said, "that depends altogether upon your case." Then he sent me the record of the case, and after reading it over, I said to him, "I believe in that doctrine." He answered, "Young man, you know it is a perilous thing for a young Republican in Congress to say what you are saying, and I don't want you to injure yourself." "That doesn't matter," I replied, "I believe in English liberty and English law. But, Mr. Black, I am not a practitioner in the Supreme Court, and I never tried a case anywhere." "How long ago were you admitted?" he asked. "About six years," I answered. "That will do," was his reply.

Then Judge Black took me over to the Supreme Court, and I was immediately admitted and entered upon this case. The Government side was represented by the Attorney-General, by General Butler, and two others whose names I don't now remember. General Butler had been called in because of his military knowledge, and altogether it was a very strong array of counsel. On our side was David Dudley Field, of New York; Judge Black, of Pennsylvania; Judge McDonald, of Indiana, and myself, four on a side. We went in with unlimited time. I sat down and worked two days and two nights, with only four or five hours' sleep, and wrought out the points of my argument.

The day before the trial was to come off in court all the counsel met for consultation in Washington, to determine upon the course of the case, and when we got together Judge Black said, "Well, we will hear from the youngest member in this case first. Garfield, what do you propose to do?" The scene was very much

like that when I went before Buell, and submitted to him the plan of my Eastern Kentucky campaign. These men were the very foremost lawyers in the land, and I had to show them my hand without knowing the views of any one of them upon the management of the case. I took my points, and stated succinctly the line of my argument, and when I got through, and sat down, they all said, with one accord, "Don't change a line or a word of it."

The next day I went in and spoke two hours before the Supreme Court. McDonald opened the case, I followed, Judge Black followed me, and David Dudley Field wound up the case, and it was unanimously decided in our favor. The arguments were reported in full. The men we represented were paupers and prisoners. I paid for printing my own brief and my own argument, and I never saw the men, never had any relation with them, and have never received a dollar for my services. But this gave me, immediately, a standing in the U. S. Supreme Court, and brought me cases, and ever since I have had from two to seven cases a year in that court.

In another case before the Supreme Court, I was junior of Judge B. R. Curtis, of Boston. It was the last case he ever argued. The question involved was, What effect the war had on a life insurance policy—whether it vitiated the insurance of a man who lived in the South—a belligerent. We took the ground that it did. The question had never been tested in the Supreme Court. One of the judges happened to be sick, and the other eight were divided, four and four, so there was no decision. But a year later—after Judge Curtis's death—another case came up, involving the same question, and I was chosen by the same insurance company to manage it. I won it, the Court deciding that war renders void a policy of life insurance.

I have had a few cases outside of the Supreme Court. One was a railroad case in Mobile, Alabama, which I argued a year or two ago, and another was the great Alexander Campbell will case, in which I was again associated with Judge Black. We were for the defense, and, as Black had to leave, I had to argue it alone. Campbell, you know, was the founder of the Campbellites, or Disciples of Christ. His will was contested by certain people who had married into his family. He left about a quarter of a million dollars, and the contest was made on the ground that he was senile—had lost his memory. It was a ten days' trial, and we

sustained the will. It was to me a labor of love, but all of the counsel were paid good fees. These several cases are enough to show the general drift of my career as a lawyer.

ADDRESSES ON VARIOUS OCCASIONS.

I have delivered some addresses outside of Congressional topics, to which I would call your attention. The first is an oration on "College Education," delivered at Hiram. Then there is an oration delivered at Arlington, on the occasion of decorating the soldiers' graves; and one also on the life and character of Gen. George H. Thomas; but the one which comes nearer to my own life than any I ever made is one on the life and character of Miss Booth. When I struck Hiram I found her there—a woman nine years older than I, and who, I do not hesitate to say, was in some respects greater even than Margaret Fuller. In fact, I am disposed to think her the greatest American woman I have ever known. She was a very plain-looking person, with no external attractions, but with prodigious intellectual power. I studied with her for two years. She was a teacher at Hiram, and at the same time was fitting herself for college. When I went away to Williams she went to Oberlin, where she graduated in the full college course. Being so much older than I, she took at once one of those grand womanly interests in me, and she did more towards the molding of my intellectual life than any other person, unless it be President Hopkins. I would say that she and President Hopkins were the two great minds, outside of books, that helped to shape my life. You will find in my analysis of her character the story of her studies; and, as I shared them, what is said of her is true of me. Though I do not say it there, I will say to you that the history of my intellectual growth is more fully told in my account of her life than in anything else.

Then I made a speech at Hudson College, on the Future of the Republic, and one before the Business College in Washington on the "Elements of Success." The last was widely circulated. I have also made three or four Congressional speeches not on the usual Congressional topics. One was on Massachusetts presenting to Congress the statues of John Winthrop and General Adams. Another was on the relation of the National Government to science; another, on the presentation of the Carpenter painting, which is a sort of sketch of my idea of Lincoln's char-

acter. Still another was on the death and services of Professor Joseph Henry. That is one, I think, in which you will find considerable meat, for I knew him very intimately. I had made a speech three years before on Morse, which is pretty fully quoted there.

In the Hudson College speech there is a discussion of the railway problem. A part of it somewhat alarmed the railroad people, and yet I was just to them. I tried to hold a position in equipoise between the people and their interests and the great railroad corporations, and justice to them. The two, I think, should be harnessed so as to work harmoniously together.

Among the various speeches I have made was one in January, 1879, on the occasion of the death of Gustave Schleicher, of Texas, a very able and learned German member of the House, for whom I had the highest regard. He was a sound-money man. In that speech I start out by saying: "We are accustomed to call England our fatherland. It is a mistake. One of the greatest of modern historians, writing the history of the English people, has said that England is not the fatherland of the English-speaking people, but Germany." I go into that and say: "The real fatherland of the people of this country is Germany, and our friend who has fallen came to us direct from our fatherland, and not, like the rest of us, around by the way of England." Then I give a little sketch of German character, and what Carlyle and Montesquieu said, that the British constitution came out of the woods of Germany. That speech has made me a host of friends among the Germans.

In 1878 I held two debates with George H. Pendleton, one at Lancaster, and one at Springfield, Ohio, on the issues of the campaign; and in speaking of my Congressional career I ought to have added that on the Constitutional Amendment abolishing slavery, I made a speech in the House in reply to that gentleman. On the 13th of January, 1865, Pendleton made a curious and very astute speech, in which he said that we had no right to amend the Constitution so as to abolish slavery—that such a thing could not be done except by the consent of every one of the individual States, it being—like the reserved right that no State without its own consent can be deprived of equal representation in the Senate—one of those rights which cannot be interfered with. The privilege of sending two members to the Senate, by each State,

irrespective of its size, is, you know, the only thing a Constitutional Amendment cannot change without consent of each and all the States. Pendleton put slavery upon the same basis, and he sustained his point by a very adroitly put argument. He undertook to show that in the nature and essence of the case slavery was such a thing, and that if you should carry every State except one to an amendment, in that one it would be untouched. My argument was to meet that, and I think it did that effectually.

I call to mind also a speech I made on the "Army and the Public Peace," wherein I show the necessity of keeping the army sufficiently strong to come to the aid of any one of the States in putting down speedily such riots as we had in Pittsburgh and New York City. With the large anarchical element which exists among the immigrants who come to us from Europe, and congregate in the large cities, there is always danger of such outbreaks.

There is another branch of this subject that is far too large to be taken up at all, except in a very summary way—my services on the stump. I have been in all the campaigns, save that of 1867, when I broke down in health, and made a trip to Europe. With the exception of that year, I have devoted as much time as any other man to the campaigns, and here at home have stood for honest money in all its phases against the waves of inflation and greenbackism. In the fall of my return from Europe the Republicans of this State had a miserable platform in favor of paying the bonded debt in greenbacks, and had fought on that issue. I had no sooner got back than my friends said to me, "For the Lord's sake, don't say anything on this subject, because the die is cast—the State is swept into the current."

I was on the point of leaving for Washington, and before I should return my successor would be nominated; therefore it was that my friends told me to be careful of my utterances, for the feeling was very strong, and I might miss of the nomination. Well, they gave me a sort of welcome at a place in the district, and at the meeting I rose and gave them a speech for the honest payment of the public debt, according to the letter of the contract, right in the teeth of their platform, and I said to them: "Much as I value your opinion, I denounce this theory which has worked into the party in this State as dishonest, unwise, and unpatriotic; and if I were offered a nomination and election from this district, for my natural life, on that platform, I should spurn

it. If you should ever raise the question of re-nominating me, let it be understood that you can have my services only on the ground of the honest payment of the national debt, according to the letter and spirit of the contract."

Thus I took the bull by the horns, and then I went to Washington. I was re-nominated by acclamation. In this manner I have had to face things at home all the time, risking my political life at every step. But I have never let down at all, potted with no one. In all parts of the country I have debated this question, and always in the same tone, never yielding one inch to expediency, but standing up everywhere and always for the honest payment of the public debt.

In addition to this outside work, I have written several articles for the magazines—several for the *Atlantic*, and quite a number for the *NORTH AMERICAN REVIEW*. One in the *NORTH AMERICAN* on "Appropriations," and a couple on "Army Organization," you had better read. The last were written when the Democrats were trying to tear up the army. They are probably a little too one-sided to have much of them quoted; but the fact of their being written, their scope and character, and the amount of study that is in them, is, perhaps, worthy of mention. Then I wrote in the *NORTH AMERICAN* in what is called "a symposium" on the question, "Ought Negro Suffrage to be Abolished?" Blaine headed it, and Hendricks, Alex. H. Stephens, Wendell Phillips and I were called in. My part was only a few pages; but you may think I there put the whole thing into a nutshell.

I have spoken of my trip to Europe in 1867. It was full of delight to me, though I was away only seventeen weeks. We struck at Liverpool, and then went down to London, stopping at Chester; were in London about six days, and listened to the great reform debate which let 700,000 Englishmen into the suffrage. Then we went up to Scotland and made the tour of the lakes; crossed the North Sea and landed at Rotterdam; went to Brussels, and up the Rhine to Switzerland; across the Alps into Italy, to Milan, Venice, and Rome; spent a week in Rome among the monuments and ruins; back across to Paris; spent a week there; then to London and Liverpool, and across to Kingston; then a trip through Ireland and home. That was our line of travel. It gave me restored health and the culture of it.